

REMARKS

Claims 1 through 4, 7 and 18 through 29 are pending in the application. Claims 5, 6, 8, 16 and 17 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 9 through 15 have been withdrawn from consideration pursuant to an Election Requirement and await disposition in accordance with MPEP §809.02(c). Claims 1, 7, 18, and 25 have been amended and Claims 27 through 29 are newly presented. Basis for the amendments and support for the new claims may be found throughout the application, drawings and claims as originally filed and as such, no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

Allowable Subject Matter & New Claims

The Examiner has indicated that Claim 17 would be allowable if re-written in independent form to include all of the limitations of the base claim and any intervening claim. Applicant has canceled Claim 17 and the independent claim from which it depends (i.e., Claim 16) and has presented this subject matter (i.e., that of Claims 16 and 17) in newly presented independent Claim 27. Accordingly, Applicant submits that Claim 27 is in condition for allowance.

Applicant has newly presented Claims 28 and 29 herein so as to provide the Applicant with a scope of protection commensurate to their contribution to the art.

Claim Rejections Under 35 U.S.C. § 102

Claims 1 – 4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lalikos (U.S. Pat. No. 5,143,409). This rejection is respectfully traversed.

Applicant initially notes that the '409 patent to Lalikos appears to disclose a stress distributor sleeve for use in conjunction with a conventional hose fitting or rigid insert member which “slips into and continues for a distance” into a conventional hose. With regard to the coupling of the hose fitting and the hose, the Lalikos reference states:

[the] end fittings 20 have a rigid insert member which slips into and continues for a distance from the end of the hose 22, thereby creating a rigid section which does not bend. A vertical line 24, representing the end of the insert, indicates the length of this insert member in each of the FIGS. 1-7.

Accordingly, the coupling of the hose fitting and the hose is only schematically illustrated, and as such, no inferences can be made from the drawings concerning the portion of the end fitting 20 and the hose to the left the vertical lines (24) that are illustrated in Figures 1 through 7 of the '409 patent.

The stress distributor sleeve may be a single tubular sleeve, as illustrated in Figure 1, or a spring, as illustrated in Figure 4. With regard to the embodiment of Figure 4, the Lalikos reference notes that it illustrates “a spring stress distribution device integrally bonded to the hose, wherein variations in coil pitch, wire diameter, and coil diameter may be controlled to distribute the bending forces acting upon the hose 22.” Applicant notes that the spring illustrated in Figure 4 is the “stress distributor sleeve”. Consequently, the Lalikos reference does not teach or suggest each and every limitation of Applicant’s claimed invention as set forth in Claim 1. For example, the Lalikos reference does not teach or suggest a “second portion” with a “reinforcing helix” and a “discrete support collar” that is coupled to the outer perimeter of the second portion.

In view of the above summary of the Lalikos reference, Applicant respectfully submits that the Examiner has not presented a prima facie case of anticipation. Specifically, the Lalikos reference does not teach or suggest each and every limitation of Applicant's claimed invention. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 1 under 35 U.S.C. §102(b). Applicant notes, too, that Claims 2 through 5 and 7 depend from Claim 1 and as such, should be in condition for allowance for the reasons set forth for Claim 1, above.

Claim Rejections Under 35 U.S.C. §103

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lalikos (U.S. Pat. No. 5,143,409) in view of Caplan (U.S. Pat. No. 3,050,087). This rejection is respectfully traversed. Applicant respectfully submits that Claim 7 is dependant from Claim 1 and, therefore, should be allowable for reasons set forth for Claim 1 above.

Claims 18, 20, 21 and 23 – 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caplan (U.S. Pat. No. 3,050,087) in view of Sindars (U.S. Pat. No. 3,060,069). Claims 19 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Caplan (U.S. Pat. No. 3,050,087) in view of Sindars (U.S. Pat. No. 3,060,069), and further in view of Roberts (U.S. Pat. No. 3,076,737). Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Caplan (U.S. Pat. No. 3,050,087) in view of Sindars (U.S. Pat. No. 3,060,069), and further in view of Vohrer (U.S. Pat. No. 4,098,298). These rejections are respectfully traversed.

The Caplan reference appears to disclose a radiator hose having a formed body 32 with plain cylindrical ends 30 and helical corrugations 31. The ends 30 are

reinforced by a fabric sleeve 32, while the helical corrugations 31 may be reinforced by a wire-like reinforcement means 35. As the body 32 is unitarily formed, the Caplan flexible hose does not include the steps of "forming a rigid duct structure" or "bonding the flexible duct structure to an end of the rigid duct structure to produce a clampless flexible fluid connection".

The Sindars reference appears to disclose an insulating jacket for a fuel line. The insulating jacket is a plastic tubing that is continuous or may be split parallel to its longitudinal axis so that it may be installed over a fuel line. The insulating jacket may be formed with a plurality of internal ribs (32) that serve to create a space filled with dead air between the fuel line and the remainder of the insulating jacket. With specific reference to Figure 11, the insulating jacket (80) includes a flexible portion (82), having closely spaced indentations and internal ribs (84) and (86) and includes less flexible portions (88) having more widely spaced indentations and internal ribs (90) and (92). The insulating jacket (80) differs from the insulating jacket (20) of Figure 1 in that the flexible portion (82) and the more rigid portions (88) are separate tubes overlapped at their adjacent ends. No reference is made in the Sindars reference to the bonding of the insulating jackets to one another or to any other structure. Rather, the Sindars reference describes the insulating jacket as being prestressed so as to tend to close around the fuel line and thus cling thereto.

In view of the foregoing summaries of the Caplan and Sindars references, Applicant submits that the Examiner has not presented a prima facie case of obviousness. Specifically, the Examiner has not provided any suggestion or motivation to combine the Caplan and Sindars references.

Moreover, even if the Caplan and Sindars references were combined, the cited combination does not teach or suggest Applicant's invention. For example, the Caplan reference utilizes a unitarily formed body and as such, does not teach or suggest "bonding the flexible duct structure to an end of the rigid duct structure to produce a clampless flexible fluid connection" as recited in Claim 18 or "bonding an attachment sleeve to an end of the second rigid duct structure opposite the flexible duct structure such that the attachment sleeve is in fluid connection with the second rigid duct structure and the flexible duct structure" as recited in Claim 25. It is of no consequence that an end of the Caplan hose is reinforced, since the reinforced end is not bonded to a remaining portion of the hose to produce a fluid connection between a flexible duct structure and a rigid duct structure. Stated another way, the body of the Caplan reference is unitarily formed and as such, "fluid coupling" is not produced when the ends of the Caplan hose are reinforced.

These "bonding" steps are also not taught or suggested by the Sindars reference. The Sindars reference discloses a configuration of a insulated jacket having a flexible portion and rigid portions. This embodiment, however, is unitarily formed and employs overlapping ends that are not bonded to one another and are thus do not couple the insulated jackets to one another in fluid connection. Applicant reminds the Examiner that inherency may not be established by probabilities or possibilities. The mere fact that a certain thing *may* result from a given set of circumstances is not sufficient. *In re Oelrich*, 666 F.2d 578, 581, 212 USPQ 323, 326 (C.C.P.A. 1981).

Accordingly, Applicant submits that the Examiner has not set forth a prima facie case of obviousness and as such, respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 18 and 25 under 35 U.S.C. §103(a). Applicant


notes that Claims 19 through 24 depend from Claim 18 and as such, should be allowable for at least the reasons set forth above for Claim 18. Applicant also notes that Claim 26 depends from Claim 25 and as such, should be allowable for at least the reasons set forth above for Claim 25.

CONCLUSION

It is believed that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding objections and rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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